STATEMENT BY THE MINISTER FOR INFORMATION AND POWER

re : Screening of Karavali Film

SRI B. SUBBAYYA SHETTY (Minister of State for Information and Power).—I will to make the following statement :

When the Calling Attention Notice in respect of the Kannada Film 'Karavali' came up before the House on 14-6-1977, some members expressed doubt whether the provisions of Section 15 of the Karnataka Cinemas (Regulation) Act 1964 were complied with while suspending the exhibition of the said film in South Kanara District. In the statement made by me on the 14th instant. I have indicated the circumstances under which Government issued instructions to the Licencing Authority (District Magistrate), South Kanara to suspend the exhibition of the film in South Kanara District under Section 15 of the Karnataka Cinemas (Regulation) Act. 1964. In accordance with the said instructions issued by Government, the Licensing Authority himself issued a Notification on 30.12.1976 as contemplated under Section 15 of the Act, directing the suspension of the exhibition of the film 'Karavali' in South Kanara District with immediate effect as the exhibition of the film was likely to cause breach of peace. However, the Notification suspending the exhibition of the film on the ground that it was likely to cause breach of peace was communicated to all concerned, as required under the provision to sub-section (2) of section 15 of the Act.

SRI KAGODU THIMMAPPA.—Last time we were concerned whether the Government or the licensing authority had complied with the provision as laid down under section 15. This statement has not clarified the position; on the other than, it has kept us in suspense.

There is only one provision *viz* Section 15 (2) It reads like this :

> "(1) Until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him; unless owing to emergency or for some other reason to be recorded in writing,"

The licencing authority ought to have given an opportunity by issuing a show cause notice. If there is such an exigency, to that effect there should be an order in writing. That is not stated here. Clause reads like this :

> "Where an order under sub-section (1) has been issued by the licencing authority, a copy thereof together with a statement of the reasons therefore, shall forthwith be forwarded by him to the State Government and the State Government may, on a consideration of all the facts of the case either confirm or vary or cancel the order."

ಆಜ್ಞೆ ಹೊರಡಿಸಿದರೂ ಕೂಡ ತಕ್ಷಣ ಸರ್ಕಾರಕ್ಕೆ ಕಳಿಸಬೇಕು. ಸರ್ಕಾರಕ್ಕೆ ಕಳಿಸಿದ ಮೇಲೆ ಅದನ್ನು ಕನ್‌ಫರ್ಮ್ ಮಾಡುವುದು, ಬಿಡುವುದು ಸರ್ಕಾರಕ್ಕೆ ಬಿಟ್ಟಿದ್ದು. ಆದ್ದರಿಂದ ಸರ್ಕಾರದವರು ಏನು ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ. ಅವರು ಹೊರಡಿಸಿದ ಆಜ್ಞೆ ಸರ್ಕಾರಕ್ಕೆ ಬಂದಿದೆಯೇ, ಬಂದಿದ್ದರೆ ತಾವು ತೆಗೆದುಕೊಂಡ ಕ್ರಮ ಏನು? ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಆಜ್ಞೆ ಎರಡಂ ವಾರಕ್ಕಿಂತ ಜಾಸ್ತಿ ಇರಬಾರದು ಮತ್ತು ಅದರ ಅವಧಿ ಎರಡು ತಿಂಗಳಿಗಿಂತ ಜಾಸ್ತಿ ಹೋಗಬಾರದು. ಇದನ್ನು ತಾವು ಅನುಸರಿಸಿದ್ದೀರಾ? ಡಿಸ್ಟ್ರಿಕ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಆಜ್ಞೆ ಹೊರಡಿಸಿ ಏನು ಹೇಳಿದ್ದಾರೆಂದರೆ:

> "In exercise of the powers conferred under section 15 of the Karnataka Cinemas (Regulation) Act, 1964, I the District Magistrate, hereby direct that the exhibition of film 'Karavali' be suspended with immediate effect as the exhibition of that film is likely to cause breach of peace".

This is the order passed by the District Magistrate. This is the way in which the District Magistrate is functioning. If this is the case, I don't think any common man will get justice from such District Magistrate. He has absolutely failed to fulfill the legal requirements of the provision. The District Magistrate has not taken care while passing orders I would like to know what action the Government would take in this respect?

SRI B. SUBBAYYA SHETTY.—Madam Speaker, Hon. Member has read the provisions of the Act. I do differ from the view taken by Hon. Member regarding the provisions contained in section 15 of the Act. Section 15 (2) clearly states like this:

> "No order shall be issued under sub-section I until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him unless owing to emergency or for some other reasons to be recorded in writing, to the State Government or the licencing authority is satisfied that it is not reasonably practicable to give that person an apportunity of showing cause".

Here the reason was that the Government came to the conclusion that the exhibition of film would cause breach of peace. So, this order was issued under the provision of 2nd clause. In persuance of this order a notification was issued.

SRI KAGODU THIMMAPPA.—Where it is?

SRI B. SUBBAYYA SHETTY.—It is issued under that provision. This provision relates to the second clause of sub-section (2). If it had been sub-section (1), it does not come to play its role here, whereas sub-section (2) comes to play its role.

> "Provided that a copy of the reasons recorded by the State Government or the Licencing authority for issuing the

order shall be communited to the person concerned as soon as it becomes reasonably practicable to communicate the reason to him".

Now, as soon as practicable, immediately he has sent the order and this order is mandatory to the provision. The reason why it is done, is communicated to him. And this notification is very clear which contains the reasons. The reason is that as the exhibition of this film is likely to cause breach of peace, this order has been issued. That reason has been clearly mentioned in the notification. So, the requirement of the section 15 has been fully complied with. Further the Hon. Member mentioned about clause (4). Last time, when I read the statement it was stated that in persuance of the letter from the Censor authority, Government itself directed in writing to the District Magistrate to do these things. That is why it confirms the requirement of the provisions. So, the point raised by Hon. Member does not arise. Regarding sub-section 5, of course it is a question of law.

SRI KAGODU THIMMAPPA.—In your administrative capacity you ought to have taken action. Here is a provision which requires the Government to take action under section 14. What action you have taken after the orders have been passed by the District Magistrate?

SRI B. SUBBAYYA SHETTY.—That order was subject to sub-section (5) of the Act.

SRI KAGODU THIMMAPPA.—But clause (4) of section 15 clearly states that ' where an order under sub-section (1) has been issued by the licencing authority, a copy thereof together with a statement of the reasons therefor, shall forthwith be forwarded by him to the State Government and the Government may, on a consideration of all the facts of the case, either confirm or vary or cancel the order".

Whether this Government has complied with the directions contemplated in sub-section (4)?

SRI B. SUBBAYYA SHETTY.—Government has taken the view under this clause. Because the Government itself directed to take action under this rule. So, the rule does not come to play.

SRI KAGODU THIMMAPPA —There is a bundle of errors on the part of the Government. ಒಂದು ಮಾತನ್ನು ಹೇಳುತ್ತೇನೆ, ಪ್ರಾವಿಷನ್ ಪ್ರಕಾರ ಯಾವುದೇ ಕಾರಣಕ್ಕಾಗಿ ಎರಡು ವಾರಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಅಥವಾ ಎರಡು ತಿಂಗಳನ್ನು ಮೀರಬಾರದು. ಆಜ್ಞೆ ಹೊರಡಿಸಿರುವುದು ಜನವರಿಯಲ್ಲಿ. ಈಗಲಾದರೂ ಕೂಡ ಸರ್ಕಾರದವರು ಆಜ್ಞೆಯನ್ನು ರಿವರ್ಸ್ ಮಾಡಬೇಕು ಎಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

SRI B. SUBBAYYA SHETTY.—Sub-section 5 is very clear. The order is issued to the mandatory provision of sub-section 5 which I would like to read :

> "An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the State Government may if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period or periods not exceeding two months in the aggregate, as it thinks fit:"

Government has not done anything more.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಎರಡು ವಾರ ಆದ ಕೂಡಲೇ ಆಜ್ಞೆ ತನ್ನ ವ್ಯಾಲಿಡಿಟಿಯನ್ನು ಕಳೆದು ಕೊಳ್ಳುತ್ತದೆ. ಆ ರೀತಿ ಅಭಿಪ್ರಾಯವನ್ನು ತಾವು ಕೊಡುವುದಾದರೆ ನನ್ನ ಆಭ್ಯಂತರ ಇಲ್ಲ. ಅಲ್ಲಿ ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಹೊರಡಿಸಿದ ಆಜ್ಞೆ ತನ್ನ ವ್ಯಾಲಿಡಿಟಿಯನ್ನು ಕಳೆದುಕೊಂಡಿದೆ.

SRI B. SUBBAYYA SHETTY.—All these orders are subject to sub-section (5) of section 15.

Matter under Rule 312

re : Flight of the C.M. to Delhi when the House in Session

†ಶ್ರೀ ಹೆಚ್.ಡಿ. ದೇವೇಗೌಡ(ಹೊಳೇನರಸೀಪುರ).—ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷೆಣಿಯವರೇ, ಈ ದಿನ ರೂಲ್ 312ರ ಕೆಳಗಿನ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪಿಸಬೇಕಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಪುನಃ ಇವತ್ತು ತಮ್ಮ ಕಛೇರಿಗೆ ಸೂಚನೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೇನೆ. ಅದು ಬಹಳ ಗಹನವಾದ ವಿಷಯ. ಏಕೆಂದರೆ ಮೊನ್ನೆ ಶನಿವಾರ ಆ ಬಗ್ಗೆ ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆ ಮಾಡಿದಾಗ ಸಚಿವರು ಉತ್ತರ ಕೊಡುತ್ತಾ, ನಾವು ಆತುರದಿಂದ ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇವತ್ತು ನಮ್ಮ ಮುಂದಿರತಕ್ಕ ಸಮಸ್ಯೆ ಬಹಳ ತೀವ್ರವಾದುದು. ಇವತ್ತು ಆಡಳಿತದ ಸ್ಥಿತಿಗತಿಗಳೇನು ಎಂಬುದನ್ನು ಯೋಚಿಸಬೇಕಾಗುತ್ತದೆ. ಏಕೆಂದರೆ ಇಂದು ನಾವು ವ್ಯವಸಾಯ ಇರಾಖೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಬೇಡಿಕೆಯನ್ನು ಸಭೆಯ ಮುಂದೆ ಇಡಬೇಕಾಗಿದೆ. ಆದರೆ ಮುಂಜೂರ್ಮಾಡಿದ ಹಣವನ್ನು ಯಾರ ಕೈಗೆ ಕೊಡಬೇಕೆಂಬುದು ಸಮಸ್ಯೆಯಾಗಿದೆ.

ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷೆಣಿಯವರೇ, ಈ ಸಂದರ್ಭದಲ್ಲಿ ದಯವಿಟ್ಟು ನನ್ನ ಅಭಿಪ್ರಾಯಗಳನ್ನು ವ್ಯಕ್ತಪಡಿಸುವುದಕ್ಕೆ ಅವಕಾಶಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಶನಿವಾರ ಮಧ್ಯಾಹ್ನ ಸಭೆಯನ್ನು ಮುಂದೂಡಿದ ಮೇಲೆ ರಾಜ್ಯದ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ತರಾತುರಿಯಾಗಿ ದೆಹಲಿಗೆ ಹೋಗಿದ್ದಾರೆ. ನಾವಾನ್ಯವಾಗಿ ಅಧಿವೇಶನ ನಡೆಯುವಾಗ ಮಂತ್ರಿಗಳಾಗಲೀ, ಮುಖ್ಯ ಮಂತ್ರಿಗಳಾಗಲೀ ಹೊರಗೆ ಪ್ರವಾಸಕ್ಕೆ ಹೋಗಬಾರದು. ಆದರೆ ದೆಹಲಿಯಲ್ಲಿ ರಾಜ್ಯದ ಆಡಳಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಶ್ನೆ ಏನಾದರು ಇದ್ದಾಗ ಹೋಗಬೇಕಾಗುತ್ತದೆ. ರಾಜ್ಯದ ಹಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಶ್ನೆ ಬಂದಾಗ ಅಧಿವೇಶನ ಇದ್ದರೂ ಕೂಡ ತಮಗೆ ತಿಳಿಸಿ ಮುಖ್ಯ ಮಂತ್ರಿಗಳಾಗಲೀ, ಬೇರೆ ಮಂತ್ರಿಗಳಾಗಲೀ ಹೋಗಬಹುದು. ಆದರೆ ಮೊನ್ನೆ ಅವರು ದೆಹಲಿಗೆ ಹೋದದ್ದು ರಾಜ್ಯದ ಹಿತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಶ್ನೆಗೆ ಅಲ್ಲ. ವಿಧಾನ ಸಭೆಗಳ ಚುನಾವಣೆ ಆದಮೇಲೆ ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ಬಹಳ ದೊಡ್ಡ ಪೆಟ್ಟು ಬಿದ್ದಿದೆ ಎಂದೂ ಅದನ್ನು ಪುನಶ್ಚೇತನಗೊಳಿಸಲು ಕಾರ್ಯಕಾರಿ ಸಮಿತಿ ಸೇರಬೇಕಾಗಿದೆ ಎಂದು ಅವರೇ ಹೇಳಿದ್ದಾರೆ. ಆ ಸಮಿತಿ ಸೇರುವುದಕ್ಕೆ ಪೂರ್ವದಲ್ಲಿ ಅದರ ಸಿದ್ಧತೆಗಾಗಿ ಅರಸುರವರು ದೆಹಲಿಗೆ ಧಾವಿಸಿತ್ತಾರೆ. ಅದೇ ವಿಷಯ ಪುನಃ ಪತ್ರಿಕೆಯಲ್ಲಿ ಬಂದಿರುವುದನ್ನು ಓದಬೇಕಾಗಿದೆ. "ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ವಿಶ್ವಾಸ ಉಳಿಯಬೇಕು. ಹಳೆಯ ಪ್ರವೃತ್ತಿಯಿಂದ ನಿವೃತ್ತಿಯಾಗಬೇಕು ಮತ್ತು ಹೊಸ ಸ್ವರೂಪವನ್ನು ಪಡೆಯಬೇಕು" ಎಂದು